

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

DONTE E. GRIFFIN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-20-1254-J
)	
SGT. FITZCHILD, et. al.,)	
)	
Defendants.)	

ORDER

This matter was referred for initial proceedings to United States Magistrate Judge Gary M. Purcell consistent with 28 U.S.C. § 636(b)(1)(B), (C). Currently pending is Judge Purcell's Third Supplemental Report and Recommendation. [Doc. No. 74]. Despite being cautioned that he must file any objection no later than July 18, 2022, *see id.* at 4-5, Plaintiff did not object and has waived his right to appellate review of the factual and legal issues addressed therein. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

Plaintiff alleges that he was the victim of excessive force and subsequent denial of medical care and he initially named Chad Fitzchild as a defendant. [Doc. No. 46]. However, Plaintiff later clarified that he had intended to sue Charles Fritschow instead of Chad Fitzchild. [Doc. No. 62]. Judge Purcell has instructed Plaintiff as to how to properly name Mr. Fritschow and recommends that Mr. Fitzchild be dismissed for lack of personal participation. [Doc. No. 74 at 3-4].

With no objection from Plaintiff, the Court ADOPTS the Third Supplemental Report and Recommendation [Doc. No. 74] and DISMISSES Defendant Chad Fitzchild without prejudice.

The matter continues to be REFERRED to Judge Purcell.

IT IS SO ORDERED this 3rd day of August, 2022.

A handwritten signature in blue ink, appearing to read "B.M.J.", is positioned above a horizontal line.

BERNARD M. JONES
UNITED STATES DISTRICT JUDGE